

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN
UNIVERSITIES, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF HEALTH & HUMAN
SERVICES, *et al.*,

Defendants.

Case No. 1:25-CV-10346-AK

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A
SINGLE, CONSOLIDATED REPLY BRIEF**

Plaintiffs in the above-captioned case (“AAU Plaintiffs”), concurrently with plaintiffs in two related cases, *Commonwealth of Massachusetts, et al. v. NIH, et al.*, No. 1:25-cv-10338-AK, and *Association of American Medical Colleges, et al. v. NIH, et al.*, No. 1:25-cv-10340-AK, hereby respectfully move for leave to file a single consolidated reply brief in support of their motions for temporary restraining orders, in lieu of three separate ten-page reply briefs. The plaintiffs in all three cases will move for leave to file one consolidated reply brief on their respective dockets.

These three cases present distinct, though overlapping, legal claims and factual issues. Given the government’s consolidated opposition brief, and the nature of the arguments therein, Plaintiffs believe that one consolidated reply brief here would promote judicial economy and facilitate an efficient resolution of the pending Motions. AAU Plaintiffs’ request for consolidated briefing is limited to this filing, given the distinct character of each suit, and each set of plaintiffs reserves all rights to file separate briefs in their separate matters going forward.

Dated: February 17, 2025

JENNER & BLOCK LLP

By: /s/ Lindsay C. Harrison

Ishan K. Bhabha (*pro hac vice*)
Lindsay C. Harrison (*pro hac vice*)
Lauren J. Hartz (*pro hac vice*)
Elizabeth Henthorne (*pro hac vice*)
Zachary C. Schauf (*pro hac vice*)
Adam G. Unikowsky (*pro hac vice*)
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
Tel: (202) 639-6000
IBhabha@jenner.com
LHarrison@jenner.com
LHartz@jenner.com
BHenthorne@jenner.com
ZSchauf@jenner.com
AUnikowsky@jenner.com

Shoba Pillay, BBO No. 659739
353 N Clark Street
Chicago, IL 60654
Tel: (312) 222-9350
SPillay@jenner.com

Attorneys for All Plaintiffs

Respectfully submitted,

CLEMENT & MURPHY, PLLC

By: /s/ Paul D. Clement

Paul D. Clement (*pro hac vice*)
Erin E. Murphy (*pro hac vice*)
James Y. Xi (*pro hac vice*)
Kyle R. Eiswald (*pro hac vice*)
706 Duke Street
Alexandria, VA 22314
Tel: (202) 742-8900
paul.clement@clementmurphy.com
erin.murphy@clementmurphy.com
james.xi@clementmurphy.com
kyle.eiswald@clementmurphy.com

*Attorneys for Association of American Universities,
Association of Public and Land-grant Universities,
and American Council on Education*

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)

I, Paul D. Clement, hereby certify that on February 17, 2025 at approximately 7:30pm, counsel for Plaintiffs conferred with Brian Lea and Thomas Ports, counsel for Defendants, by videoconference in a good faith effort to resolve or narrow the issues presented by this motion. Before and during that conference, the parties were successful in narrowing the areas of dispute, but did not resolve all areas of dispute. Defendants agreed generally to plaintiffs' request for a consolidated reply brief in all three cases, but did not agree to plaintiffs' originally requested page length of 30 pages. During the videoconference, plaintiffs agreed to request 25 pages instead of the originally requested 30 pages, and defendants agreed to 20 pages, but the parties were otherwise unable to resolve this area of dispute.

/s/ Paul D. Clement
Paul D. Clement (*pro hac vice*)
706 Duke Street
Alexandria, VA 22314
Tel: (202) 742-8900
paul.clement@clementmurphy.com

Dated: February 17, 2025

CERTIFICATE OF SERVICE

Counsel for Plaintiffs in the above captioned case certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiffs hereby certify that they have certified all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Paul D. Clement
Paul D. Clement (*pro hac vice*)
706 Duke Street
Alexandria, VA 22314
Tel: (202) 742-8900
paul.clement@clementmurphy.com

Dated: February 17, 2025